WELCOME TO THE COURT ADMINISTRATION OFFICE

Court staff can provide legal information. They cannot provide legal advice. Consult a lawyer for legal advice.

This is a list of some things staff *can* and *cannot* do for you. Please read it carefully before asking court staff for help.

WE *CAN* PROVIDE:

- your court file (in most cases)
- general information about how the court works, court rules and procedures
- court forms (forms are not available for all legal proceedings)
- answers to questions about how to fill out court forms
- court schedules and information on how to get matters scheduled
- information about court fees
- guidance on how to calculate deadlines and due dates
- the court file on a specific case (unless it is confidential) for you to review
- a commissioner for oaths. Bring picture identification and don't sign the document beforehand. There is a fee for this service.
- information about programs offered at the court

WE *CANNOT*:

- provide an opinion on whether or not you should bring your case to court or take a particular course of action
- fill out court forms for you or tell you what words to put in a form
- speculate about what decision a judge might make or what sentence a judge might impose
- give you advice on what to say in court
- talk to a judge for you or let you talk to a judge outside the courtroom
- take sides in any case - we must remain impartial
- give information when we are unsure of the correct answer

FOR LEGAL ADVICE contact a lawyer. Lawyers' services can be found in the yellow pages under 'Lawyers'. Check your local listings for Nova Scotia Legal Aid offices. Dalhousie Legal Aid can be reached at (902) 423-8105 and the Lawyer Referral Service at (902) 455-3135 and 1-800-665-9779. General legal information is available from the Legal Information Society of Nova Scotia at (902) 454-2198.

Pour des renseignements en francais, adressez-vous a l'employe de comptoir.

GUIDELINES FOR COURT STAFF WHO ASSIST SELF-REPRESENTED LITIGANTS - draft April 30, 2002, adapted from IOWA GUIDELINES - have permission, need to acknowledge and credit IOWA

1. **Primary goal of court and court staff is to provide high quality service to court users**

Court staff should strive to provide accurate information and assistance in a prompt and courteous manner. But in many situations involving self-represented litigants, the best service might be to advise the litigant to seek the assistance of a lawyer.

2. **Absolute duty of impartiality**

Court staff must treat all litigants fairly and equally. Court staff must not provide assistance for the purpose of giving one party an advantage over another, nor give assistance to one party that they would not give to another party.

3. **Must not give legal advice**

Court staff must not give legal advice. **See * below** for examples of legal advice. If a court user asks a question that court staff believe requests legal advice, they should advise the person to seek the assistance of a lawyer and direct them to existing legal services. (See the one -page Guidelines for this information.)

Generally, if a litigant asks *"Should I ...."* they are asking a question that requests assistance in making decisions about options, assessing risks and benefits, and analyzing potential outcomes. This is legal advice they are requesting and is the subject matter for a lawyer. Generally, if they are asking *"How can I ...."* *"How do I ...."* they are asking for procedural assistance, which is information you can give, and not legal advice.

If court staff are uncertain of whether the advice or information which they might give constitutes 'legal advice', ask for assistance from the court supervisor. If a supervisor is not available, inform the litigant that you are not able to provide the information and that the litigant should seek help from a lawyer.

***Examples of legal advice (or what you must not do):**

a. apply the law to the facts of a given case
b. give directions to a litigant about how they should respond or behave in any respect of the legal process, for instance:
    1. advise whether to file an action, petition, application or other pleading
    2. advise specific phrasing or specific content for the pleadings
    3. fill in a form for the litigant, (unless they have a physical disability or are illiterate and therefore unable to fill in a form, and explain this and ask for assistance. In this limited case, court staff may fill in the form, but must write down the *exact words* provided by the litigant,

and another staff member must witness the action).

4. recommend specific people against whom to file an action or other pleading
5. recommend specific types of claims or arguments to assert in pleadings or at trial
6. recommend what types or amount of damages to seek or the specific litigants from whom to seek damages
7. recommend specific questions to ask witnesses or other litigants
8. recommend specific techniques for presenting evidence in pleadings or at trial
9. recommend when or whether a litigant should ask for or oppose an adjournment
10. recommend when or whether a litigant should settle a dispute
11. recommend whether a litigant should appeal a decision of a court or tribunal
12. interpret the meaning or implications of a statute or court decision
13. perform legal research
14. predict the outcome of a particular case, strategy or action

4. **Authorized information and assistance to litigants**

Court staff are authorized to give the assistance set out below:

a. Provide public information contained in
   - dockets or calendars
   - case files
   - indices
   - other reports

b. Recite common, routinely employed
   - court rules
   - court procedures
   - administrative practices

c. Show or tell the self-represented litigant where to find pertinent statutes or rules of procedure.

d. Identify forms that might meet the needs of the self-represented litigant, and provide forms that the court has mandated for the guidance of self-represented court users, if there are any.

e. Answer questions about how to complete forms (e.g. where to write in particular types of information), but not questions about how the litigant *should* phrase his or her responses on the forms.

f. Assist with explanations of terms commonly used in court processes.

g. Provide phone numbers for lawyer referral services. (See one-page Guidelines and/or Appendix 1.)

5. **Court staff shall not reveal the outcome of a case before the information is officially released to the litigants or public**

Court staff shall not disclose the outcome of a matter submitted to a judge/adjudicator for decision until the outcome is part of the public record, or until the judge/adjudicator directs disclosure of the matter.

6. Requests for communication with a judge/adjudicator from self-represented litigant or someone assisting them or a lawyer

If a person submits ***written*** material for a judge/adjudicator to act on (e.g. to grant an adjournment, to stop an enforcement procedure already in place) which hasn't been served on the opposing party(ies), court staff must deliver it to a judge/adjudicator who should decide what action, if any, is appropriate, or in the Supreme Court, to the Prothonotary, who will make the same determination.

If a party makes a ***verbal*** request that a judge/adjudicator takes some type of action in a case, court staff should tell the litigant to put the request in writing and:

a. address the request to the court;
b. include the case number (if any) on the document;
c. write the date on the document;
d. sign the document;
e. print the person's name under the signature;
f. write the person's address, telephone and fax number on the document;
g. deliver the written request to the court administration office/court clerk's office; and
h. serve a copy of the document on opposing litigant or litigant's lawyer (in a manner that is consistent with the procedural rules for that case).

If a litigant or lawyer for a litigant contacts court staff by telephone ***asking*** for judicial action and there is ***insufficient time*** to deliver a written request to the court administration office/court clerk's office (i.e. an ***emergency situation***), court staff shall communicate the request to a judge/adjudicator/the Protohootary in the Supreme Court, in accordance with rules established by the chief judge/adjudicator of the court for handling such communications. The court staff member should also tell the caller that they cannot guarantee that the judge/adjudicator will grant the request.